

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Denise Lambert Smither

Docket No. 5:12-CR-55-1FL

Petition for Action on Probation

COMES NOW Erica W. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Denise Lambert Smither, who, upon an earlier plea of guilty to Violation of the Federal Insecticide, Fungicide, and Rodenticide Act and Aiding and Abetting, in violation of 7 U.S.C. §§136j(a)(2)(1), 136e(a), 1361(b)(1) and 2, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on August 8, 2012, to a 24 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 150 consecutive days. The defendant shall be restricted to her residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant will be allowed to travel with husband, Timothy Smither, for employment/work purposes as pre-approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.

The defendant is being supervised in the Middle District of North Carolina, as that is where her residence is located.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The supervising probation officer in the Middle District of North Carolina has requested they be allowed to monitor the defendant's home detention via Voice ID in lieu of the defendant wearing an electronic monitoring device.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 150 consecutive days. The defendant shall be restricted to her residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other

activities as approved by the probation officer. The defendant will be allowed to travel with husband, Timothy Smither, for employment/work purposes as pre-approved by the probation officer. The defendant shall submit to a monitoring device and follow monitoring procedures specified by the probation officer. This monitoring may be conducted via traditional electronic monitoring or voice verification technology. The defendant shall pay for monitoring services as directed by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

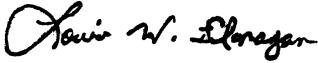
I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Erica W. Foy
Erica W. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8660
Executed On: February 11, 2013

ORDER OF COURT

Considered and ordered this 13th day of February, 2013, and ordered filed and made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge